

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD L. WINDERS,

Plaintiff

v.

C-1-02-459

OHIO OPERATING ENGINEERS
FRINGE BENEFIT PROGRAMS,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 13), plaintiff's Motion for Review of Report and Recommendation and Objections (doc. no. 14), defendant's response (doc. no. 15) and plaintiff's reply (doc. no. 16). The Magistrate Judge recommended that defendant's Motion for Judgment (doc. no. 9) be granted and plaintiff's Motion for Judgment on the Record (doc. no. 10) be denied.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES HEREIN BY REFERENCE** the Report and Recommendation of the United States Magistrate Judge (doc. no. 13). Defendant's Motion for Judgment (doc. no. 9) is **GRANTED** and plaintiff's Motion for Judgment on the Record (doc. no. 10) is **DENIED**.

Plaintiff's Complaint asserting two causes of action is **DISMISSED** at plaintiff's cost. This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court